

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUIS RIVERA-CRESPO,

Plaintiff,

v.

CARLOS MOLINA-RODRIGUEZ,

Defendant.

Civil No. 11-1276 (ADC)

ORDER

Plaintiff, Luis Rivera-Crespo (“plaintiff” or “Rivera”) filed the present action *pro se* against Carlos Molina-Rodríguez (“defendant” or “Molina”) pursuant to 42 U.S.C. § 1983. On August 15, 2011, defendant moved to dismiss the complaint. ECF No. 22. Plaintiff failed to interpose an opposition. On September 20, 2011, the undersigned referred the pending motion to dismiss to Magistrate-Judge Silvia Carreño-Coll (“Magistrate-Judge”) for a Report and Recommendation.

Presently pending before the court is the Magistrate-Judge’s unopposed Report and Recommendation (“R & R”), issued on September 29, 2011, which recommended that the present case should be consolidated with a case already pending on the docket of Magistrate-Judge Vélez-Rive. ECF No. 30.

I. Standard of Review

A district court may refer pending motions to a magistrate-judge for a report and recommendation. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b); Loc. Cv. R. 72(a). Any party adversely affected by the recommendation issued may file written objections within ten (10) days of being served with the report and recommendation. *See* 28 U.S.C. § 636(b)(1). A party that files a timely objection is entitled to a *de novo* determination of “those portions of the report or specified proposed findings or recommendations to which specific objection is made.” *Sylva v. Culebra Dive Shop*, 389 F. Supp. 2d 189, 191-92 (D.P.R. 2005) (citing *United States v. Raddatz*, 447 U.S. 667, 673 (1980)).

“Absent objection, ... [a] district court ha[s] a right to assume that [the affected party]

agree[s] to the magistrate's recommendation." *López- Mulero v. Vélez-Colón*, 490 F. Supp. 2d 214, 217 -218 (D.P.R. 2007) (citing *Templeman v. Chris Craft Corp.*, 770 F.2d 245, 247 (1st Cir. 1985), *cert. denied*, 474 U.S. 1021 (1985). Moreover, in conducting its review of an unopposed R & R, the court "needs only [to] satisfy itself by ascertaining that there is no ' plain error' on the face of the record." *López-Mulero*, 490 F. Supp. 2d at 218.

II. Conclusion

After careful consideration of the unopposed motion to dismiss, the R & R and the record, the court hereby **ADOPTS** the R & R in full. **Docket No. 30**. The present case, subject to consent by Magistrate-Judge Vélez, is to be consolidated with Case No. 11-1041.¹

The Clerk of Court is to note accordingly.

SO ORDERED.

At San Juan, Puerto Rico, on this 8th day of November, 2011.

S/AIDA M. DELGADO-COLÓN
Chief, United States District Judge

¹Inasmuch as the parties have consented to the trial jurisdiction of the Magistrate-Judge in Case No. 11-1041, the court understands that the parties would also consent to the trial jurisdiction of a Magistrate-Judge in the present case. However, in an abundance of caution, the court will allow the parties until November 18, 2011 to interpose any objections that they may have to the Magistrate-Judge's trial jurisdiction.